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SUBJECT: HUMAN RIGHTS--COUNTRY EVALUATION PLAN FOR IRAQ

REF: STATE 133681

FOLLOWING FOR YOUR REVIEW AND COMMENT IS NEA/ARN'S DRAFT
COUNTRY EVALUATION PLAN WITH REGARD TO THE HUMAN RIGHTS
SITUATION IN IRAQ. PLEASE REPORT REACTIONS SOONEST.
BEGIN TEXT:

A. CONDITION OF HUMAN RIGHTS IN IRAQ

IRAQ'S NARROWLY BASED BA'ATHIST REGIME OPERATES A POLICE
STATE. ITS SECURITY AND INTELLIGENCE APPARATUS IS EXTEN-
SIVE. SECURITY AUTHORITIES HAVE THE CAPACITY--DRAWING ON
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INFORMERS, SPIES AND AGITATORS--TO REACH INTO ALL AREAS OF
IRAQI LIFE AND INTO ALL INSTITUTIONS, INCLUDING THE ARMED
FORCES, WHERE A SOVIET-STYLE COMMISSAR SYSTEM IS IN
OPERATION.

THE BAGHDAD REGIME HAS AS ITS PRINCIPAL GOALS NATIONAL
UNITY AND STABILITY, AS WELL AS THE PRESERVATION OF TOTAL
BA'ATHIST POLITICAL CONTROL. NATIONAL UNITY IS A PARTICU-
LARLY DIFFICULT OBJECTIVE TO ACHIEVE. A SUCCESSION OF

OF GOVERNMENTS IN IRAQ'S MODERN HISTORY HAS TRIED--WITH

LITTLE SUCCESS--TO INTEGRATE AND ASSIMILATE AN ETHNICALLY AND RELIGIOUSLY DIVERSE SOCIETY; THE GROUPS WITHIN THAT SOCIETY HAVE LITTLE REAL SENSE OF SHARED TRADITIONS OR NATIONAL IDENTITY. THE KURDS, CHALDEANS, ASSYRIANS AND JEWS HAVE DONE THEIR BEST TO RESIST ASSIMILATION AND TO MAINTAIN THEIR OWN CULTURAL TRADITIONS, THEIR OWN LANGUAGE, AND, IN SOME CASES, THEIR OWN SEPARATE IDENTITY. THE KURDS UNDER BARZANI WAGED A REBELLION THROUGHOUT MOST OF THE 1958-1975 PERIOD IN SEARCH OF A MAXIMUM DEGREE OF AUTONOMY IN IRAQ. THE LARGEST ETHNIC-RELIGIOUS GROUP IN THE COUNTRY--THE MUSLIM SHI'A--ACTUALLY CONSTITUTE A MAJORITY OF THE POPULATION, BUT THEY HAVE LITTLE EFFECTIVE POLITICAL POWER UNDER THE PRESENT REGIME.

1. INTEGRITY OF THE PERSON

THE IRAQI REGIME'S RECORD OF REGULAR VIOLATIONS OF HUMAN RIGHTS MUST THUS BE VIEWED AS THE ACTIONS OF A FUNDAMENTALLY INSECURE GOVERNMENT AND LEADERSHIP WHICH SEES ENEMIES AND PLOTS EVERYWHERE. WHILE THE GREAT MASS OF IRAQI CITIZENS ENJOYS THE BENEFITS OF A LEGAL SYSTEM THAT REGULATES MANY ASPECTS OF ORDINARY LIFE IN AN EVEN-HANDED WAY, THERE ARE NO ABSOLUTE LEGAL SAFEGUARDS PROTECTING INDIVIDUAL CITIZENS FROM ARBITRARY ARREST, PROLONGED DETENTION WITHOUT TRIAL, SUMMARY TRIAL BY CONFIDENTIAL

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SPECIAL TRIBUNALS ESTABLISHED FOR INDIVIDUAL SITUATIONS, AND ROUTINE TORTURE. SUMMARY EXECUTION IS NOT UNKNOWN. SEARCHES, MASS ARRESTS, AND SYSTEMATIC INTIMIDATION OF CERTAIN GROUPS AND INDIVIDUALS ARE FEATURES OF IRAQI LIFE.

IT IS NOT POSSIBLE TO OBTAIN A COMPREHENSIVE PICTURE OF THE FREQUENCY OR CONDITIONS UNDER WHICH HUMAN RIGHTS ARE VIOLATED. SECRECY SURROUNDS ALL ACTIONS BY THE POLICE, THE ARMED FORCES, AND THE INTELLIGENCE AND SECURITY NETWORKS. FOR THAT MATTER, ALMOST ALL OF THE POLICYMAKING ACTIVITIES OF THE GOVERNMENT ARE CONDUCTED IN EXTREME SECRECY.

2. CIVIL AND POLITICAL LIBERTIES

IT HAS BEEN PARTICULARLY DIFFICULT TO OBTAIN AN OBJECTIVE AND ACCURATE DESCRIPTION OF WHAT THE BAGHDAD REGIME HAS BEEN DOING TO THE KURDS AND ASSYRIANS SINCE THE END OF THE INSURRECTION IN 1975. SIZABLE NUMBERS OF KURDS HAVE BEEN FORCIBLY RESETTLED IN AREAS FAR DISTANT FROM THE TRADITIONAL KURDISH TERRITORIES. APPARENTLY, ASSYRIANS AND CHRISTIANS LIVING IN SOME OF THE KURDISH AREAS HAVE BEEN UPROOTED ALSO. THERE ARE RECENT REPORTS, HOWEVER,

THAT SOME SO RESETTLED MAY BE ALLOWED TO RETURN TO

KURDISTAN.

IRAQ'S TREATMENT OF ITS TINY JEWISH COMMUNITY HAS BEEN PARTICULARLY REPREHENSIBLE. IN ADDITION, THE GOVERNMENT ACTED RUTHLESSLY IN SUPPRESSING DISTURBANCES THAT ACCOMPANIED LARGE SHI'ITE RELIGIOUS PROCESSIONS IN SOUTHERN IRAQ IN EARLY FEBRUARY 1977--PROCESSIONS WHICH, ACCORDING TO SOME SHI'A, THE REGIME ACTUALLY ENCOURAGED SO AS TO HAVE A PRETEXT FOR TAKING VIOLENT ACTION AGAINST MEMBERS OF THEIR SECT.

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GENERALLY, HOWEVER, THE BAGHDAD REGIME'S TREATMENT OF MINORITY GROUPS DOES NOT REFLECT DEEPLY ROOTED ETHNIC AND RELIGIOUS PREJUDICE, EXCEPT FOR THE SHI'A AND POSSIBLY THE JEWS. THE GOVERNMENT--BECAUSE OF ITS UNDERLYING FEELING OF INSECURITY--SIMPLY TREATS ALL MINORITIES WITH UNIFORM SEVERITY.

3. BASIC NEEDS

DESPITE ITS ABYSMAL HUMAN RIGHTS RECORD, THE BAGHDAD REGIME IS MAKING CONSIDERABLE STRIDES IN PROVIDING EMPLOYMENT, HOUSING, EDUCATION, SOCIAL SECURITY AND GENERALLY BETTER LIVING CONDITIONS FOR THE IRAQI PEOPLE. WHILE IRAQI CITIZENS DO NOT POSSESS INDIVIDUAL RIGHTS AS WE KNOW THEM, THE REGIME APPEARS TO BELIEVE THAT THE IRAQI "MASSES" HAVE A RIGHT TO AN IMPROVED MATERIAL STANDARD OF LIVING.

4. GOVERNMENTAL RESPONSIBILITY

IN VIEW OF THE CIRCUMSTANCES DESCRIBED ABOVE, THERE CAN BE NO DOUBT THAT THE IRAQI GOVERNMENT IS FULLY RESPONSIBLE FOR HUMAN RIGHTS CONDITIONS IN IRAQ. WE KNOW OF NO OCCASION ON WHICH THAT GOVERNMENT HAS ADMITTED, MUCH LESS ATTEMPTED TO JUSTIFY, ITS SHORTCOMINGS IN THIS FIELD.

IRAQ HAS MADE A FEW GESTURES TOWARD WORLD PUBLIC OPINION, BUT THEY DO NOT HAVE HIGH CREDIBILITY. A DECREE WAS ISSUED IN 1975, FOR EXAMPLE, WHICH DECLARED THAT ALL JEWS RETURNING TO IRAQ WOULD ENJOY THE FULL RIGHTS OF ALL IRAQI CITIZENS. THE REALITY IS THE OPPOSITE. GOVERNMENT AMNESTIES OFFERED TO THE KURDS RESULTED IN THE RETURN OF ALL BUT ABOUT 35,000 OF THE 175,000 KURDS WHO HAD FLED TO IRAN IN THE LAST STAGES OF THE KURDISH INSURRECTION. SUBSEQUENT AND WELL-PUBLICIZED AMNESTY OFFERS TO THE REMAINING IRAQI KURDS IN IRAN IN 1976 DREW A RELATIVELY SMALL RESPONSE. MORE RECENTLY, FOLLOWING THE SHI'ITE

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DISTURBANCES MENTIONED ABOVE, THE GOVERNMENT REPORTEDLY

ATTEMPTED TO PLACATE CERTAIN OF THAT SECT'S RELIGIOUS LEADERS, IN PART BY MAKING THEM STATE EMPLOYEES WITH ALL FRINGE BENEFITS.

5. REACTION TO ADVERSE HUMAN RIGHTS ALLEGATIONS

ASIDE FROM THESE GESTURES, THE BAGHDAD REGIME HAS TENDED TO IGNORE INTERNATIONAL CRITICISM OF HUMAN RIGHTS CONDITIONS IN IRAQ. TO THE BEST OF OUR KNOWLEDGE, AMNESTY INTERNATIONAL--WHICH IDENTIFIED IRAQ IN ITS 1975-76 ANNUAL REPORT AS ONE OF THE MOST SERIOUS VIOLATORS OF HUMAN RIGHTS IN THE MIDDLE EAST-- HAS ELICITED NO OFFICIAL IRAQI REACTION TO THE VARIOUS ADVERSE REPORTS WHICH HAVE COME TO THAT ORGANIZATION'S ATTENTION.

B. ANALYSIS AND RECOMMENDATIONS

WE WISH TO ENCOURAGE THE IRAQI REGIME TO ACCORD WIDER FREEDOMS AND DECENT LEGAL SAFEGUARDS TO ALL ITS CITIZENS. IN THE MEANTIME, IT IS OUR POLICY TO CONTINUE TO PROVIDE REFUGEE STATUS TO CERTAIN ETHNIC AND RELIGIOUS MINORITIES WHICH HAVE BEEN PERSECUTED IN IRAQ.

WE HAVE VIRTUALLY NO EFFECTIVE DIRECT LEVERAGE ON THE IRAQI GOVERNMENT. WE HAVE NOT HAD DIPLOMATIC RELATIONS WITH IRAQ SINCE 1967. IRAQ'S OFFICIAL ATTITUDE TOWARD THE UNITED STATES IS COLD AND SUSPICIOUS, ALTHOUGH NOT OVERTLY HOSTILE. FOR OUR PART, WE MAINTAIN A STRICT EMBARGO ON SHIPMENTS TO IRAQ OF VIRTUALLY THE ENTIRE RANGE OF U.S. MILITARY AND MILITARY-RELATED EQUIPMENT AND TECHNOLOGY. THE U.S. IS NOT YET A MAJOR OUTLET FOR IRAQI PETROLEUM EXPORTS. WHILE THE IRAQIS ARE UNQUESTIONABLY INTERESTED IN U.S. GOODS AND SERVICES, WITH IMPORTS FROM THE U.S. HAVING RISEN FROM DOLS 27 MILLION IN 1972 TO CONFIDENTIAL

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OVER DOLS 380 MILLION IN 1976, THEY COULD FIND ALTERNATIVE SOURCES OF SUPPLY AMONG THE FRENCH, GERMANS AND JAPANESE, IN PARTICULAR, WHO HAVE BEEN AVIDLY COMPETING FOR A BIGGER SHARE OF THE IRAQI DEVELOPMENT BUDGET.

THE ONLY STRATEGY LIKELY TO PRODUCE EVEN MODEST SUCCESS WOULD BE TO STRENGTHEN SOME RECENT TRENDS WHICH SUGGEST THAT THE IRAQI LEADERSHIP IS INCREASINGLY CONCERNED ABOUT ITS INTERNATIONAL IMAGE. POLITICALLY, IRAQ IS ISOLATED FROM THE MAINSTREAM OF THE ARAB WORLD. THE PUBLIC REVULSION SHOWN BY KEY ARAB LEADERS OVER THE SUMMARY EXECUTION OF ALLEGED JEWISH SPIES IN THE EARLY YEARS OF THE BA'ATHIST REGIME MAY HAVE HELPED PREVENT A REPETITION

OF SUCH HORRORS. THE MODERATE ARAB REGIMES TO A STRONG DEGREE HAVE TREATED IRAQ AS A PARIAH, IN PARTICULAR BECAUSE OF THE TARNISH IT GIVES TO THE GENERAL ARAB IMAGE IN THE REST OF THE WORLD. IT MIGHT BE POSSIBLE TO INFLUENCE SUCH COUNTRIES AS EGYPT AND SAUDI ARABIA--WITH WHOM IRAQ SEEKS BETTER RELATIONS--TO ENCOURAGE IMPROVED HUMAN RIGHTS POLICIES UPON BAGHDAD.

IT MIGHT ALSO PROVE EFFECTIVE TO STIMULATE REPORTS BY JOURNALISTS, SCHOLARS, AND INTERNATIONAL AGENCIES ON THE EFFECTS OF IRAQI POLICIES IN THE HUMAN RIGHTS FIELD. THE PUBLIC ATTENTION GIVEN IN RECENT MONTHS TO BAGHDAD'S POLICY OF AIDING MILITANT TERRORIST GROUPS MAY HAVE FORESTALLED A WAVE OF INTERNATIONAL TERRORISM WHICH HAD BEEN EXPECTED TO ERUPT AT THE END OF 1976.

SPEAKING OUT OR TRYING TO INFLUENCE THE BAGHDAD REGIME ON BEHALF OF CERTAIN OPPRESSED MINORITIES POSES SPECIAL PROBLEMS. THE USG WAS INVOLVED IN THE KURDISH INSURRECTION, AND BAGHDAD REMAINS SUSPICIOUS THAT THE U.S. HAS CONTINUED TO SUPPORT KURDISH RESISTANCE EFFORTS. IN RECENT MONTHS, THE IRAQI REGIME HAS CHARGED THE U.S. AND SYRIA WITH AIDING THE SMALL-SCALE KURDISH RESISTANCE
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ACTIVITIES THAT RESUMED IN LATE 1976. EVEN IN THE EYES OF THE KURDS, THERE REMAINS THE RISK THAT ANY U.S. EFFORTS TO IMPROVE THEIR CONDITIONS WITHIN IRAQ WOULD BE MISINTERPRETED AS SUPPORT FOR THEIR DEMANDS FOR FULL AUTONOMY. THE IRAQI REGIME CLEARLY WOULD NOT TOLERATE ANYTHING IT PERCEIVED AS STIMULATION OF ADDED RESTLESSNESS AMONG IRAQ'S VARIOUS ETHNIC AND RELIGIOUS GROUPS.

END TEXT. CHRISTOPHER

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